रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—14 REGISTERED NO. DL—(N)04/0007/2003—14

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 2
PART II — Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 38] नई दिल्ली, वीरवार, दिसम्बर 11, 2014/अग्रहायण 19, 1936 (शक)
No. 38] NEW DELHI, THURSDAY, DECEMBER 11, 2014/AGRAHAYANA 19, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 11th December, 2014:—

BILL NO. 184 OF 2014

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

40 of 1971.

2. In the Public Premises (Eviction of Unauthorised Occupants) Act,1971 (hereinafter referred to as the principal Act), in section 2,—

(*a*) in clause (*e*), in sub-clause (*2*),—

1 of 1956.
18 of 2013.

(*A*) in item (*i*), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

1 of 1956.
18 of 2013.

(*B*) in item (*ii*), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

(*C*) for item (*iii*), the following items shall be substituted, namely:—

'(*iii*) any company as defined in clause (*20*) of section 2 of the Companies Act, 2013 in which not less than fifty-one per cent. of the paid-up capital is held partly by the Central Government and partly by one or more State Governments and includes a company which is a subsidiary (within the meaning of that Act) of the first-mentioned company and which carries on the business of public transport including metro railways. 18 of 2013.

Explanation.— For the purposes of item (*vii*), "metro railway" shall have the same meaning as assigned to it in clause (*i*) of sub-section (*1*) of section 2 of the Metro Railway (Operation and Maintenance) Act, 2002; 60 of 2002.

(*iiia*) any University established or incorporated by any Central Act;';

(*D*) for item (*v*), the following item shall be substituted, namely:—

"(*v*) any Board of Trustees or any successor company constituted under or referred to in the Major Port Trusts Act, 1963;"; 38 of 1963.

(*E*) in sub-clause (*3*),—

(*a*) in item (*i*), for the words "Municipal Corporation", the words, brackets and figures "Council as defined in clause (*9*) of section 2 of the New Delhi Municipal Council Act, 1994 or Corporation or Corporations notified under sub-section (*1*) of section 3 of the Delhi Municipal Corporation Act, 1957," shall be substituted; 44 of 1994. 66 of 1957.

(*b*) after item (*iii*), the following item shall be inserted, namely:—

"(*iv*) any premises belonging to, or taken on lease by, or on behalf of any Government company as defined in clause (*45*) of section 2 of the Companies Act, 2013. 18 of 2013.

Explanation.— For the purposes of this clause, the expression, "State Government" occurring in clause (*45*) of the said section shall mean the Government of the National Capital Territory of Delhi.";

(*F*) in clause (*fa*),—

(*a*) in sub-clause (*ii*) after the words, brackets and figures in item (*i*) of sub-clause (*2*), the words "in item (*iv*) of sub-clause (*3*)" shall be inserted;

(*b*) in sub-clause (*v*), for the words "Corporation", the words "Council, Corporation or Corporations" shall be substituted.

Amendment of section 4.

3. In section 4 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) If the estate officer has information that any person is in unauthorised occupation of any public premises and that he should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing within seven working days from the date of receipt of the information regarding the unauthorised occupation calling upon the person concerned to show cause why an order of eviction should not be made.

(*1A*) If the estate officer knows or has reasons to believe that any person is in unauthorised occupation of the public premises, then, without prejudice to the provisions of sub-section (*1*), he shall forthwith issue a notice in writing calling upon the person concerned to show cause why an order of eviction should not be made.

(*1B*) Any delay in issuing a notice referred to in sub-sections (*1*) and (*1A*) shall not vitiate the proceedings under this Act.";

(*b*) in sub-section (*2*), in clause (*b*), in sub-clause (*i*), for the words "earlier than", the words "later than" shall be substituted.

Amendment of section 5.

4. In section 5 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by him in

support of the same and after personal hearing, if any, given under sub-clause (*ii*) of clause (*b*) of sub-section (*2*) of section 4, the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer shall make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order but not later than fifteen days from the date of the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises:

Provided that every order under this sub-section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice under sub-section (*1*) or sub-section (*1A*), as the case may be, of section 4.";

(*b*) after sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that if the estate officer is satisfied, for reasons to be recorded in writing, that there exists any compelling reason which prevents the person from vacating the premises within fifteen days, the estate officer may grant another fifteen days from the date of expiry of the order under sub-section (*1*) to the person to vacate the premises.";

Amendment of section 7.

5. In section 7 of the principal Act,—

(*a*) in sub-section (*2A*), for the words "simple interest", the words "compound interest" shall be substituted;

(*b*) in sub-section (*3*), for the words "within such time as may be specified in the notice", the words "within seven days from the date of issue thereof" shall be substituted;

(*c*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) Every order under this section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice.".

Amendment of section 9.

6. In section 9 of the principal Act,—

(*a*) in sub-section (*2*), for the proviso, the following proviso shall be substituted, namely:—

"Provided that the appellate officer may entertain the appeal in exceptional cases after the expiry of the said period, if he is satisfied for reasons to be recorded in writing that there was compelling reasons which prevented the person from filing the appeal in time.";

(*b*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible and every endeavour shall be made to dispose of the appeal finally within one month from the date of filing the appeal, after providing the parties an opportunity of being heard.".

STATEMENT OF OBJECTS AND REASONS

The Public Premises (Eviction of Unauthorised Occupants), Act, 1971 was enacted to provide for speedy machinery for the eviction of unauthorised occupants from public premises, including the premises of Government companies and those of corporations established by or under any Central Act.

2. The Delhi Metro Railway Corporation (DMRC) had requested that metro properties be declared as public premises by amending the PP (E) Act, 1971 and to confer powers of an Estate Officer under the said Act, to the officers of the DMRC to be appointed by the Central Government for dealing with the problem of eviction in a more expeditious manner.

3. Clause (e) of section 2 of the PP(E) Act, 1971 contains the definition of public premises. Item (i) of sub-clause (2) of clasue (e) of section 2 of PP(E) Act, 1971 provides that any premises belonging to, or taken on lease by, or on behalf of any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or any company which is a subsidiary (within the meaning of that Act) of the first-mentioned company as public premises. The paid-up share capital held partly by the Central Government and partly by one or more State Governments is not included under this item.

4. The Companies Act, 1956 now stands reenacted as Companies Act, 2013.

5. It is, therefore, proposed to include within the meaning of public premises any premises belonging to, or taken on lease by, or on behalf of, any company as defined in clause (20) of section 2 of the Companies Act, 2013 in which not less than fifty-one per cent of the paid-up capital is held partly by the Central Government and partly by one or more State Governments and includes a company which is a subsidiary (within the meaning of that Act) of the first-mentioned company and which carries on business of public transport including metro railways by substituting existing item (iii) in sub-clause (2) of clause (e) under section 2 of the PP(E) Act, 1971.

6. As the Major Port Trusts Act, 1963 is being amended to include any successor company constituted under or referred to in this Act to the existing Board of Trustees, it is proposed to make similar changes in item (v) of sub-clause (2) of clause (e) of section 2 of PP(E) Act 1971.

7. The public premises, in relation to the National Capital Territory of Delhi means, any premises belonging to the Municipal Corporation of Delhi, or any Municipal Committee or notified area committee under the provisions as contained in item (i) of sub-clause (3) of clause (e) of section 2 of Public Premises (Eviction of Unauthorised Occupants), Act, 1971. An issue was raised in a case before the Hon'ble High Court of Delhi in a civil writ petition No. 9664/2007 as to whether the expression "Municipal Committee" or "notified area committee" in the National Capital Territory of Delhi would include the Muncipal Council as defined in clause (e) of section 2 of the Public Premises (Eviction of Unauthorised Occupants), Act, 1971. The Hon'ble High Court held that there is no question of any ambiguity in expression "any Municipal Committee or notified area committee" used in relation to any premises held by them and dismissed the writ petition. To avoid reoccurrence of any litigation in future and to remove any doubts, it is proposed to bring Muncipal Council within the purview of public premises by amending section 2 of the PP(E) Act, 1971.

8. It is proposed to substitute the word "Municipal Corporation" by the phrase "Corporation or Corporations" notified under sub-section (1) of section (3) of the "Delhi Municipal Corporation Act, 1957", as per recommendation of the Parliamentary Standing Committee on Urban Development.

9. In relation to National Capital Territory of Delhi, it is proposed to bring any premises belonging to, or taken on lease by, or on behalf of any Government Company as defined in clause (45) of section 2 of the Companies Act, 2013 under the purview of public premises, by incorporating a new item (iv) below section 2(e)(3)(iii) of the Act.

10. It is also proposed to make consequential amendments in sub-clause (ii) and (v) of clause (fa) of section 2 of the Act so that officers of the proposed companies and New Delhi Municipal Council can be appointed as estate officers under section 3 of the PP(E) Act, 1971.

11. The Parliamentary Standing Committee (PSC) on Urban Development had given certain observations/recommendations on Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2011. Further, the Hon'ble Supreme Court had given twenty suggestions with regard to unauthorised occupancy in para 28 of its Judgment dated 05.07.2013 in Civil Appeal No. 4064/2004 in the case of S.D. Bandi *Vs*. Divisional Traffic Officer, Karnataka State Road Transport Corporation (KSRTC) & Ors. The observations/ recommendations of the PSC and the suggestions given by the Hon'ble Supreme Court were aimed at smooth and speedy eviction of unauthorised occupants from the public premises in a time-bound manner. In order to give statutory form to four recommendations of the Parliamentary Standing Committee and eighteen suggestions given by the Hon'ble Supreme Court in the aforesaid judgment, which have been accepted by the Government, certain suitable amendments have been proposed in section 4, section 5, section 7 and section 9 of the PP(E) Act, 1971.

12. Out of the above-mentioned twenty suggestions given by the Hon'ble Supreme Court, two suggestions were not accepted as it may have lead to further delays in the proceedings under PP(E) Act, 1971.

13. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 4th December, 2014.

M. VENKAIAH NAIDU.

ANNEXURE

EXTRACTS FROM THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS ACT, 1971)

(40 OF 1971)

* * * * *

Definitions.

2. In this Act, unless the context otherwise requires,—

* * * * *

(*e*) "public premises" means—

* * * * *

(*2*) any premises belonging to, or taken on lease by, or on behalf of,—

(*i*) any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government or any company which is a subsidiary (within the meaning of that Act) of the first-mentioned company, 1 of 1956.

(*ii*) any corporation (not being a company as defined in section 3 of the Companies Act, 1956, or a local authority) established by or under a Central Act and owned or controlled by the Central Government, 1 of 1956.

(*iii*) any University established or incorporated by any Central Act,

* * * * *

(*v*) any Board of Trustees constituted under the Major Port Trusts Act, 1963, 38 of 1963.

* * * * *

(*3*) in relation to the National Capital Territory of Delhi,—

* * * * *

(*i*) any premises belonging to the Municipal Corporation of Delhi, or any Municipal Committee or notified area committee;

* * * * *

(*iii*) any premises belonging to, or taken on lease or requisitioned by, or on behalf of any State Government or the Government of any Union territory;

Issue of notice to show cause against order of eviction.

4. (*1*) If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

* * * * *

Eviction unauthorised occupants.

5. (*1*) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under clause (*b*) of sub-section (*2*) of section 4 the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer may make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation there of or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

(*2*) If any person refuses or fails to comply with the order of eviction on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (*1*), whichever is later, the estate officer or any other officer duly authorised by the estate officer in this behalf may, after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

* * * * *

7. (*1*) * * * * Power to require payment of rent or damages in respect of public premises.

(*2A*) While making an order under sub-section (*1*) or sub-section (*2*), the estate officer may direct that the arrears of rent or, as the case may be, damages shall be payable together with simple interest at such rate as may be prescribed, not being a rate exceeding the current rate of interest within the meaning of the Interest Act, 1978. 14 of 1978.

(*3*) No order under sub-section (*1*) or sub-section (*2*), shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the estate officer.

* * * * *

9. (*1*) * * * * * Appeals.

(*2*) An appeal under sub-section (*1*) shall be preferred,—

(*a*) in the case of an appeal from an order under section 5, within twelve days from the date of publication of the order under sub-section (*1*) of that section;

(*b)* in the case of an appeal from an order under section 5B or section 7*,* within twelve days from the date on which the order is communicated to the appellant; and

(*c*) in the case of an appeal from an order under section 5C, within twelve days from the date of such order:

Provided that the appellate officer may entertain the appeal after the expiry of the said period, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time,

* * * * *

(*4*) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

* * * * *

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ANOOP MISHRA,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI—2014.

GMGIPMRND—3586GI(S3)—15-12-2014.